



General Assembly

January Session, 2007

Raised Bill No. 7032

LCO No. 3404

03404_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

***AN ACT CONCERNING THE RETENTION OF JOBS IN CONNECTICUT
AND THE UNITED STATES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective July 1, 2007*) The Governor shall review all state
2 contracts in effect on July 1, 2007, and identify any state contracts
3 under which services are being provided or goods are being
4 manufactured outside Connecticut or outside the United States. Not
5 later than January 1, 2008, the Governor shall prepare a report listing
6 the contracts under which state funds are being paid for (1) services
7 performed or goods manufactured outside Connecticut, and (2)
8 services performed or goods manufactured outside the United States.
9 Such report shall be made available to the public in hard copy and
10 accessible electronically by means of the Internet or other media or
11 systems.

12 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) Each request for
13 proposals issued by a state agency for a contract for the performance of
14 services (1) shall require that each proposer submitting a proposal
15 pursuant to such request disclose the location or locations where the
16 services under the contract and any subcontract under the contract

17 would be performed, and (2) may include criteria for the awarding of
18 the contract that (A) consider the economic impact to Connecticut and
19 residents of the state of the location or locations where services under
20 the contract would be performed, and (B) all other factors in awarding
21 the contract being equal, give a higher rating for services performed in
22 the United States.

23 (b) If a state agency awards a contract for the performance of
24 services to a proposer based on criteria that the services under the
25 contract and any subcontract be performed in the United States, such
26 contract shall (1) require the contractor to notify the state agency if
27 such contractor or any subcontractor subsequently performs any of the
28 services under the contract outside the United States, and (2) establish
29 remedies, which may include liquidated damages, if the contractor
30 wilfully or intentionally fails to notify the state agency in the event
31 such contractor or any subcontractor subsequently performs any of the
32 services under the contract outside the United States and the
33 performance of such services in the United States was a material
34 obligation of the contract.

35 Sec. 3. (NEW) (*Effective October 1, 2007*) (a) As used in this section:

36 (1) "State agency" means a department, division, board, commission
37 or other office in the executive branch of the state government or a
38 quasi-public agency, as defined in section 1-120 of the general statutes;
39 and

40 (2) "Privatization contract" means an agreement between a state
41 agency and a nongovernmental person or entity, in which such person
42 or entity agrees to provide services having a cost of one hundred
43 thousand dollars or more over the term of the contract that are
44 substantially similar to and in lieu of services provided, in whole or
45 part, by employees of such state agency or by employees of another
46 state agency for such state agency. The term "privatization contract"
47 does not include an agreement to provide legal services, litigation
48 support, investment management services or management consulting

49 only.

50 (b) Notwithstanding any provision of the general statutes, each
51 privatization contract to which a state agency is a party shall (1)
52 require the contractor to agree and warrant that in the performance of
53 the contract such contractor shall make reasonable efforts to originate
54 or provide such services at a location or locations in the United States,
55 and (2) establish remedies, which may include liquidated damages, if
56 the contractor fails to make reasonable efforts to originate or provide
57 such services at a location or locations in the United States. If the
58 contractor breaches the contract by failing to make reasonable efforts
59 to originate or provide such services at a location or locations in the
60 United States, the state agency may seek enforcement of such
61 remedies.

62 Sec. 4. Subsection (c) of section 4a-59 of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective*
64 *October 1, 2007*):

65 (c) All open market orders or contracts shall be awarded to (1) the
66 lowest responsible qualified bidder, the qualities of the articles to be
67 supplied, their conformity with the specifications, their suitability to
68 the requirements of the state government and the delivery terms being
69 taken into consideration and, at the discretion of the Commissioner of
70 Administrative Services, life-cycle costs and trade-in or resale value of
71 the articles may be considered where it appears to be in the best
72 interest of the state, (2) the highest scoring bidder in a multiple criteria
73 bid, in accordance with the criteria set forth in the bid solicitation for
74 the contract, or (3) the proposer whose proposal is deemed by the
75 awarding authority to be the most advantageous to the state, in
76 accordance with the criteria set forth in the request for proposals,
77 including price and evaluation factors. Notwithstanding any provision
78 of the general statutes to the contrary, each state agency awarding a
79 contract through competitive negotiation shall include price as an
80 explicit factor in the criteria in the request for proposals and for the

81 contract award. In considering past performance of a bidder for the
82 purpose of determining the "lowest responsible qualified bidder" or
83 the "highest scoring bidder in a multiple criteria bid", the
84 commissioner shall evaluate the skill, ability and integrity of the
85 bidder in terms of the bidder's fulfillment of past contract obligations
86 and the bidder's experience or lack of experience in delivering
87 supplies, materials, equipment or contractual services of the size or
88 amount for which bids have been solicited. In determining the lowest
89 responsible qualified bidder for the purposes of this section, the
90 commissioner may give a price preference of up to ten per cent for (A)
91 the purchase of goods made with recycled materials or the purchase of
92 recyclable or remanufactured products if the commissioner determines
93 that such preference would promote recycling or remanufacturing. As
94 used in this subsection, "recyclable" means able to be collected,
95 separated or otherwise recovered from the solid waste stream for
96 reuse, or for use in the manufacture or assembly of another package or
97 product, by means of a recycling program which is reasonably
98 available to at least seventy-five per cent of the state's population,
99 "remanufactured" means restored to its original function and thereby
100 diverted from the solid waste stream by retaining the bulk of
101 components that have been used at least once and by replacing
102 consumable components and "remanufacturing" means any process by
103 which a product is remanufactured; (B) the purchase of motor vehicles
104 powered by a clean alternative fuel; or (C) the purchase of motor
105 vehicles powered by fuel other than a clean alternative fuel and
106 conversion equipment to convert such motor vehicles allowing the
107 vehicles to be powered by either the exclusive use of clean alternative
108 fuel or dual use of a clean alternative fuel and a fuel other than a clean
109 alternative fuel. As used in this subsection, "clean alternative fuel" shall
110 mean natural gas or electricity when used as a motor vehicle fuel. All
111 other factors being equal, (i) preference shall be given to supplies,
112 materials and equipment produced, assembled or manufactured in the
113 state and services originating and provided in the state, and (ii) if no
114 bidder or proposer would produce, assemble or manufacture supplies,

115 materials and equipment in the state or originate and provide services
 116 in the state, preference shall be given to supplies, materials and
 117 equipment produced, assembled or manufactured in the United States
 118 and services originating and provided in the United States. If any such
 119 bidder refuses to accept, within ten days, a contract awarded to such
 120 bidder, such contract may be awarded to the next lowest responsible
 121 qualified bidder or the next highest scoring bidder in a multiple
 122 criteria bid, whichever is applicable, and so on until such contract is
 123 awarded and accepted. If any such proposer refuses to accept, within
 124 ten days, a contract awarded to such proposer, such contract shall be
 125 awarded to the next most advantageous proposer, and so on until the
 126 contract is awarded and accepted. There shall be a written evaluation
 127 made of each bid. This evaluation shall identify the vendors and their
 128 respective costs and prices, document the reason why any vendor is
 129 deemed to be nonresponsive and recommend a vendor for award. A
 130 contract valued at one million dollars or more shall be awarded to a
 131 bidder other than the lowest responsible qualified bidder or the
 132 highest scoring bidder in a multiple criteria bid, whichever is
 133 applicable, only with written approval signed by the Commissioner of
 134 Administrative Services and by the Comptroller. The commissioner
 135 shall submit to the joint standing committee of the General Assembly
 136 having cognizance of matters relating to government administration,
 137 the State Auditors and the Comptroller, an annual report of all awards
 138 made pursuant to the provisions of this section.

139 Sec. 5. (NEW) (*Effective October 1, 2007*) There is established within
 140 the office of the Attorney General, within available appropriations, an
 141 office that shall be responsible for assisting manufacturers and other
 142 businesses based in the state in protecting their patents and businesses
 143 from unfair and illegal competition from businesses based outside the
 144 United States.

This act shall take effect as follows and shall amend the following sections:
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Section 1	<i>July 1, 2007</i>	New section
Sec. 2	<i>October 1, 2007</i>	New section
Sec. 3	<i>October 1, 2007</i>	New section
Sec. 4	<i>October 1, 2007</i>	4a-59(c)
Sec. 5	<i>October 1, 2007</i>	New section

Statement of Purpose:

To require that providers of services under state contracts identify whether such services will be performed outside the United States, to require providers of services under state privatization contracts use reasonable efforts to provide such services in the United States and to give preference to supplies, materials and equipment produced, assembled or manufactured in the state or United States and to services originating and provided in the state or United States.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]